

REMARKS

Claims 1, 9 and 17 have been amended. Claims 1-3, 5-11 and 13-17 are pending in this application.

Claim 17 was rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Amended claim 17, which is directed to a "computer readable recording medium having a program recorded therein," is believed to overcome the Section 101 rejection. Accordingly, it is respectfully requested that the Section 101 rejection of claim 17 be withdrawn.

Claims 1-3, 5-11 and 13-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Tahara* (U.S. Patent No. 5,963,256), in view of *Johnston* (U.S. Patent No. US 5,285,498).

The presently claimed invention, in relevant part, requires:

wherein the number-of-bits adjusting means includes means for calculating a re-calculated number of quantizing steps based on a comparison of the number of in-use bits with the number of usable bits, wherein, if the number of in-use bits is less than the number of usable bits, the re-calculated number of quantizing steps is greater than the provisional number of quantizing steps, and wherein, if the number of in-use bits is greater than the number of usable bits, the re-calculated number of quantizing steps is less than the provisional number of quantizing steps, and

wherein the means for quantizing is for quantizing the normalized data obtained from the means for normalizing data on the basis of the re-calculated number of quantizing steps obtained from the means for re-calculating, and wherein the means for entropy coding is for entropy encoding the re-calculated quantized normalized data and for obtaining the adjusted number of in-use bits

(Claim 1; claims 9 and 17 contain similar limitations). The

above features are believed to be described in the present application, for example, in FIGs. 2 and 4 and page 14, line 18-page 17, line 9 and page 18, line 11-page 19, line 2.

Although the combination of the references, as applied by the Examiner, appears to describe encoding including quantization and Huffman coding, the combination does not appear to disclose "adjusting the number of in-use bits" using a "re-calculated number of quantizing steps" which is calculated based on a "comparison of the number of in-use bits with the number of usable bits," as required by the claimed invention. Accordingly, it is respectfully submitted that amended independent claims 1, 9 and 17, and claims 2-3, 5-8, 10-11 and 13-16 which depend therefrom, are distinguishable over the applied combination.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

Application No.: 10/816,643

Docket No.: SONYJP 3.0-1070

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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